



Case No. 1:14-CV-01945  
Gwin, J.

may adopt the Magistrate Judge's report without review.<sup>5/</sup>

Accordingly, the Court **ADOPTS** Magistrate Judge Burke's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court **DENIES** Banks' motion to dismiss his petition without prejudice.

IT IS SO ORDERED.

Dated: June 15, 2015

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5/</sup>Thomas, 474 U.S. at 149.